

REMARKS

Claims 1-23 are pending. By this Amendment, claims 12 and 13 are amended, and claims 22 and 23 are added. Reconsideration based on the above amendments and following remarks is respectfully requested.

I. Withdrawn Claims

Claims 12 and 13, which have previously been withdrawn, are amended to depend from claim 1. Thus, it is respectfully requested that claims 12 and 13 be reentered upon indication of allowance of claim 1. [MPEP 821.04]

II. Allowable Subject Matter

Applicant gratefully acknowledges the Office Action's indication that claim 4 includes allowable subject matter.

III. The Claims Define Allowable Subject Matter

The Office Action rejects claims 14-20 under 35 U.S.C. §102(e) as unpatentable over US 2004/0108980 to Yonekubo (hereinafter "Yonekubo"); and claims 1-3, 5-11 and 21 under 35 U.S.C. §103 as unpatentable over Yonekubo in view of U.S. Patent No. 6,906,452 to Ichikawi (hereinafter "Ichikawi"). The rejections are respectfully traversed.

Yonekubo does not constitute "prior art." The present application claims priority to two Japanese patent applications, filed in the JPO on December 17, 2002 and February 26, 2003. The effective prior art date of Yonekubo is October 29, 2003. Thus, the present application predates the effective priority date of Yonekubo, which does not constitute prior art under 35 U.S.C. §102(e).

Also, even if Yonekubo did constitute prior art under 35 U.S.C. §102(e), it could not be applied as the basis of a §103 rejection. Specifically, Yonekubo and the present application are both assigned to Seiko Epson Corporation. Art that only constitutes "prior art" under 35 U.S.C. §102(e), cannot be applied as the basis of a §103 rejection if assigned to

the same entity as the application at issue. Thus, Yonekubo could not be applied as the basis of a §103 rejection, even if it did, which it does not, constitute prior art under §102(e).

Further, Ichikawa does not even constitute prior art. The effective prior art date of Ichikawa is March 24, 2003, which is predicated by the priority of the present application discussed above (December 17, 2002 and February 26, 2003). Thus, Ichikawa cannot be applied as the basis of a §103 rejection.

For at least these reasons, it is respectfully submitted that Yonekubo and Ichikawa cannot be applied as the basis of §102 or §103 rejections. Withdrawal of the §102 and §103 rejections is respectfully requested.

IV. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of the pending claims are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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